

REMARKS

Claims 1-26 and 28-43 are presently pending in the application. Claims 1, 13, 28 and 36 have been amended to clarify the invention. No new matter has been added and support for the amendments to the claims can be found in the specification and drawings. In view of the above amendments and arguments presented hereinbelow, Applicant respectfully submits that these claims are now in condition for allowance.

Objections to the Drawings and Specification

The Examiner has objected to the proposed Fig. 7 of the drawings as containing new matter with regard to the location and size of the adhesive (71). Office Action at page 2. Applicant respectfully disagrees. The original specification clearly states “[t]he information marking plate, now with appropriate and specific information concerning the corresponding electric fixture, *is then affixed to said fixture or electrical device, by way of a fastener or adhesive, generally in an inconspicuous location* so as not to distort any surrounding aesthetics, yet readily available to anyone needing relevant electrical information concerning that device or fixture.” Original Specification at page 11, line 20 – page 12, line 2 (emphasis added). There is no requirement in the original disclosure that the adhesive completely cover an entire side of the marking plate. The depiction of the adhesive on the back side of the marking plate as shown in Fig. 7 is supported by the originally filed description in the specification. Applicant further submits that Fig. 7 provides adequate support for claims 12 and 24 and respectfully requests that the new matter objections to the drawings be withdrawn.

Applicant further submits that there is no need to modify the drawings to depict a recorded hole or marking (as the Examiner contends) since such feature is not explicitly claimed. The claims recite, in pertinent part (e.g., claim 1) “...specific relevant information relating to a particular device *can be selected from said selectable, standardized data* or information and recorded upon said information template....” Thus, the drawings need not be modified.

The Examiner has objected to the substitute specification filed on October 22, 2003 on the grounds of new matter, specifically with regard to the material on page 1, lines 24-25 and page 2, lines 1-4 starting with “This allows for use...” and ending with “...actually installed.” and page 5, lines 10-15 starting with “Generally, information...”

said selectable, standardized data or information and recorded upon said information template on said marking plate, and

(c) means to secure said marking plate to the corresponding device.

[Emphasis added.]

The Examiner contends that “Cheresko shows in figures 1-3 a marking plate (30) including an information template (see figure 3) comprised of an organized array, recorded information (apertures placed on the label) selected from the array, and means (16) for securing the plate. In regard to claims 8 and 28, Cheresko discloses in column 1, lines 15-20 the idea of printing the indicia on a label.” See Office Action at page 3. This contention is without merit.

It is axiomatic that in order to support a proper Section 102 rejection, every element in the claim must be found in the cited reference. Cheresko does not anticipate claim 1 for several reasons. First, Cheresko fails to disclose a marking plate having an “information template” that is “prerecorded for a user.” Second, Cheresko fails to teach an information template that is “comprised of at least one table or organized array of standardized data or information *relevant to a plurality of devices*, and wherein *specific relevant information relating to a particular device can be selected* from said selectable, standardized data or information and recorded upon said information template on said marking plate.”

In Cheresko, an information bearing label is affixed to a substrate *by the user* of the system. This is described in Cheresko in the context of an application for a lawnmower as follows:-

Thus, the user of the information system 10, who may, for example, be someone changing the oil in a device such as a lawn mower, selects an appropriate label 30a and affixes it onto the substrate 12.

In accordance with the explicit teachings in Cheresko, a user of the disclosed system must affix an indicia bearing information label onto a substrate. This structure is clearly distinguishable from the claimed configuration in which a template is “prerecorded” on the marking plate. Thus, Cheresko fails to meet the claim limitation of a “an information template, wherein *said information template is prerecorded for a user* on at least one side of said marking plate....” This expedient is neither taught nor suggested in Cheresko.

Furthermore, Applicant contends that the Examiner's citation to Col. 1, lines 15-20 for the teaching of printing indicia on a marking plate is misplaced. That section of Cheresko merely describes the prior art wherein a label has preprinted information that may be checked off by a user. That structure is contrary to what is disclosed in Cheresko; an information label that is affixed to a substrate.

Cheresko further fails to disclose or suggest "...at least one table or organized array of standardized data or information *relevant to a plurality of devices*, and wherein *specific relevant information relating to a particular device can be selected* from said selectable, standardized data or information and recorded upon said information template on said marking plate...." Cheresko teaches that the information label contains "...an endless variety of information which the user may use to convey about the outside device to which the information label system 10 is being attached..." and "...sub-categories of information" such as, for example, "...the number of quarts of a fluid, such oil, put into the outside device, which may be, for example, a lawn mower, as well as the number of ounces of fluid that were presumably added at the time that the information label was used." See Col. 4, lines 39 – 56. However, there is no teaching, suggestion or mention in this reference of providing *standardized data relevant to a plurality of devices* where specific information relating to a particular device may be selected as called for in claim 1. Moreover, there is no teaching, suggestion or mention in Cheresko of prerecording a template of such information on the marking plate. Accordingly, it is respectfully submitted that claim 1 (as well as independent claim 28) and those claims dependent on claims 1 and 28 are patentable over Cheresko.

Claim Rejections -- 35 U.S.C. § 103(a)

Dependent claims 2, 3, 29 and 30 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner et al. U.S. Patent No. 3,828,454 ("Hafner"). Applicant hereby reiterates the above argument distinguishing Cheresko from the claimed invention and submits that the addition of Hafner fails to remedy the deficiencies in the disclosure of Cheresko.

Hafner teaches a laminated tag assembly comprising a thin, soft metal sheet bonded to woven fiberglass. See Abstract. There is nothing in Hafner that discloses or suggests "...at least one table or organized array of standardized data or information

relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Accordingly, Hafner fails to remedy the deficiencies in the disclosure of Cheresko and it is submitted that dependent claims 2, 3, 29 and 30 are patentable over this combination.

Dependent claims 4 and 31 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to claims 3 and 30 above, and further in view of Caveney U.S. Patent No. 5,402,592 (“Caveney”). Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Caveney fails to remedy the deficiencies in the disclosures of Cheresko and Hafner.

Caveney discloses an information marker for a conforming display around an elongated pipe-shaped object. See Abstract. Even if assuming *arguendo*, that all three of these references are properly combinable, Caveney contains absolutely no teaching, suggestion or mention of “...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Accordingly, Caveney fails to remedy the deficiencies in the disclosures of Cheresko and Hafner, and it is submitted that dependent claims 4 and 31 are patentable over the combination of these references.

Dependent claims 5 and 32 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to claims 3 and 30 above, and further in view of Graham U.S. Patent No. 3,782,017 (“Graham”). Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Graham fails to remedy the deficiencies in the disclosures of Cheresko and Hafner.

Graham discloses an animal identification tag that is attached to the animal’s collar. See Abstract. However, even if, assuming *arguendo*, that all three of these references are properly combinable, Graham fails to teach, suggest or mention anything relating to the claim limitation of “...at least one table or organized array of standardized

data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Thus, Graham fails to remedy the deficiencies in the disclosures of Cheresko and Hafner, and it is submitted that dependent claims 5 and 32 are patentable over the combination of these references.

Dependent claims 6 and 33 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to claims 3 and 30 above, and further in view of Robertson U.S. Patent No. 5,855,969 (“Robertson”). Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Robertson fails to remedy the deficiencies in the disclosures of Cheresko and Hafner.

Robertson discloses a method for marking metal for identification using a CO₂ laser. See Abstract. However, even if, assuming *arguendo*, that all three of these references are properly combinable, Graham fails to teach, suggest or mention anything relating to the claim limitation of “...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Thus, Robertson fails to remedy the deficiencies in the disclosures of Cheresko and Hafner, and it is submitted that dependent claims 6 and 33 are patentable over the combination of these references.

Dependent claims 7 and 34 stand rejected under section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to claims 3 and 30 above, and further in view of Samonides U.S. Patent No. 5,346,738 (“Samonides”). Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Samonides fails to remedy the deficiencies in the disclosures of Cheresko and Hafner.

Samonides discloses an identification label for permanently marking a metal or other etchable surface such as an automobile part with an identifying indicia. See Abstract. However, even if, assuming *arguendo*, that all three of these references are

properly combinable, Samonides fails to teach, suggest or mention anything relating to the claim limitation of "...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate...." Accordingly, Samonides fails to remedy the deficiencies in the disclosures of Cheresko and Hafner, and it is submitted that dependent claims 7 and 34 are patentable over the combination of these references.

Dependent claims 9/1 and 9/8 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Berman U.S. Patent No. 4,907,359 ("Berman"). Applicant hereby reiterates the above argument distinguishing Cheresko from the claimed invention and submits that the addition of Hafner fails to remedy the deficiencies in the disclosure of Cheresko.

Berman discloses:

An identification tag for handwritten imprinting of information is disclosed. In such an application, a hole is provided for attachment to the identified item by a variety of conventional means. A transparent protective sheet is attached to the tag in the area of the hole by a pressure sensitive adhesive. The balance of the protective sheet is coated with the adhesive but isolated from the tag by a releasable backing. Following information imprinting, the backing is removed to allow the adhesive to completely attach the protective sheet to the tag. The imprinted tag may be temporarily attached to another object by an extension of the protective sheet, adhesive, and backing beyond an edge of the tag. Subsequent removal of the tag is accomplished by bending and tearing along perforations or scoring in the protective sheet at the edge of the tag.
Abstract.

However, even if, assuming *arguendo*, that these references are properly combinable, Berman fails to teach, suggest or mention anything relating to the claim limitation of "...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate...." Accordingly, Berman fails to remedy the deficiencies in the disclosure of Cheresko and it is submitted that dependent claims 9/1 and 9/8 are patentable over this combination.

Dependent claims 9/2 and 9/3 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to claims 2 and 3 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko and Hafner for the reasons stated above.

Dependent claim 9/4 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Caveney as applied to claim 4 above, and further in view of Berman. Applicant hereby reiterates the above arguments distinguishing all four of these references from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Caveney for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claim 9/5 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Graham as applied to claim 5 above, and further in view of Berman. Applicant hereby reiterates the above arguments distinguishing all four of these references from the claimed invention. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claim 9/6 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Robertson as applied to claim 6 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Robertson from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Robertson for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claim 9/7 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Samonides as applied to claim 7 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Samonides from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Samonides for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claims 10/1, 10/8, 11/1, and 11/8 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Frieden U.S. Patent No. 6,144,301 ("Frieden"). Applicant hereby reiterates the above argument distinguishing Cheresko from the claimed invention and submits that the addition of Frieden fails to remedy the deficiencies in the disclosure of Cheresko.

Frieden discloses:

An electronic tracking tag 10 may be attached to various types of physical assets to assist in asset identification. The plastic material tag body 12 includes a receiving cavity 60 therein so that a drawer 14 and an RFID transponder 16 may be slid into the receiving cavity and mechanically locked in the inserted position within the receiving cavity. A visual display cavity 54 is provided on the tag body, and a display label 56 may be selectively positioned on the tag body. The tag body with the electronic transponder therein may be secured to the physical asset by screws or other conventional securing members 46 positioned in respective securing holes 42, 44 provided in the tag body. Alternatively, one or more flexible straps 18, 19 may extend through a respective tie down hole 46, 48 in the tag body for strapping the tag body to the physical asset. A substantially universal tracking tag 10 of the present invention may be easily and economically read by an RFID reader unit to assist in asset identification, tracking, and equipment safety. Abstract.

At the outset, Applicant respectfully submits that Frieden is directed to a completely different field of endeavor (electronic tags) than the present invention. Nevertheless, even if, assuming *arguendo*, that these references are properly combinable, Frieden fails to teach, suggest or mention anything relating to the claim limitation of "...at least one table or organized array of standardized data or information relevant to a plurality of

devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Accordingly, Frieden fails to remedy the deficiencies in the disclosure of Cheresko and it is submitted that dependent claims 10/1, 10/8, 11/1, and 11/8 are patentable over this combination.

Dependent claims 10/2, 10/3, 11/2 and 11/3 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to claims 2 and 3 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko and Hafner for the reasons stated above.

Dependent claims 10/4 and 11/4 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Caveney as applied to claim 4 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Caveney from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Caveney for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant’s invention as a roadmap.

Dependent claims 10/5 and 11/ 5 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Graham as applied to claim 5 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Graham from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Graham for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant’s invention as a roadmap.

Dependent claims 10/6 and 11/6 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Robertson as applied to claim 6 above,

and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Robertson from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Robertson for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claims 10/7 and 11/7 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Samonides as applied to claim 7 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Samonides from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Samonides for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claims 12/1 and 12/8 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hansen U.S. Patent No. 6,159,569 ("Hansen").

Hansen discloses:

A decal organization tool for products needing large numbers of decals utilizes a single large sheet on which all product decals for a specific product or product model are carried. The invention includes a means by which the previously unavoidable irregular margins surrounding the decals are effectively hidden from the eye and allows large sheet printing of decals with an aesthetically satisfactory overall appearance. An irregularly zone is added to the edge of each decal, and along with an ultraviolet responsive additive placed in the decal adhesive, allows the decal to form an indelible footprint on the product to which it is applied. The footprint, invisible to the eye, becomes visible under ultraviolet light, allowing identification of a specific decal and proof of its application to a product, even when the decal is no longer on the product. Abstract.

Applicant respectfully submits that Hansen is completely unrelated to the present invention. In addition, even if, assuming *arguendo*, that these references are properly combinable, Hansen fails to teach, suggest or mention anything relating to the claim

limitation of "...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate...." Accordingly, Hansen fails to remedy the deficiencies in the disclosure of Cheresko and it is submitted that dependent claims 12/1 and 12/8 are patentable over this combination.

Dependent claims 12/2 and 12/3 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to claims 2 and 3 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko and Hafner for the reasons stated above.

Dependent claim 12/4 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Caveney as applied to claim 4 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Caveney from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Caveney for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claim 12/5 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Graham as applied to claim 5 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Graham from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Graham for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claim 12/6 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Robertson as applied to claim 6 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Robertson from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Robertson for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claim 12/7 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Samonides as applied to claim 7 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Samonides from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Samonides for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Claims 13, 20, 25, 26, 36, and 43 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala U.S. Patent No. 6,254,967 ("Katwala"). Applicant hereby reiterates the above argument distinguishing Cheresko from the claimed invention and submits that the addition of Katwala fails to remedy the deficiencies in the disclosure of Cheresko.

As explained in the foregoing with regard to independent claim 1, Cheresko fails to disclose or suggest an "... information template is prerecorded for a user on at least one side of said marking plate..." Cheresko further fails to disclose "...at least one table or organized array of standardized electrical circuitry data or information relevant to a plurality of electric fixtures, and wherein specific relevant electrical information relating to a particular fixture can be selected from said selectable, standardized electrical and circuitry data..."

Katwala discloses a nameplate that is secured to the exterior of an electrical device. The nameplate comprises a dielectric layer having a side with product identifying indicia displayed thereon. See Col. 2, lines 13-23. However, Katwala fails to teach, suggest or mention anything relating to the claim limitation of "...at least one table or organized array of standardized electrical circuitry data or information relevant to a plurality of electric fixtures, and wherein specific relevant electrical information relating to a particular fixture can be selected from said selectable, standardized electrical and circuitry data..." Katwala merely teaches indicia that includes "...all information required by Underwriters Laboratories (UL) and Canadian Standards Association (CSA) as well as any additional information which the manufacturer or the consumer desires. Preferably, the label 12 includes rating information, manufacturer information, part number, the UL marking and the CSA marking as seen in Fig. 5." See Co. 4, lines 57 – 63. There is nothing in Katwala that suggests a table or array of standardized information relevant to a plurality of electric fixtures, where information relating to a particular fixture may be selected as claimed. Accordingly, Katwala fails to remedy the deficiencies in the disclosure of Cheresko. For this reason, even if assuming *arguendo*, that these references are properly combinable, such combination still would not reach the claimed invention.

Dependent claims 14, 15, 37 and 38 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala as applied to claims 13 and 36 above, and further in view of Hafner. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Katwala from the claimed invention, and submits that the addition of Hafner fails to remedy the deficiencies in the disclosures of Cheresko and Katwala for the reasons stated above.

Dependent claims 16 and 39 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to claims 15 and 38 above, and further in view of Caveney. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Caveney fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four

references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claims 17 and 40 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to claims 15 and 38 above, and further in view of Graham. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Graham fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claims 18 and 41 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to claims 15 and 38 above, and further in view of Robertson. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Robertson fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claims 19 and 42 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to claims 3 and 30 above, and further in view of Samonides. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Samonides fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claims 21/13 and 21/20 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala as applied to claims 13 and 20 above,

further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Katwala from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko and Katwala for the reasons stated above.

Dependent claims 21/14 and 21/15 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to claims 14 and 15 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claim 21/16 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Caveney as applied to claim 16 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Caveney from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Caveney for the reasons stated above. Applicant further contends that the combination of 5 *references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claim 21/17 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Graham as applied to claim 17 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Graham from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Graham for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claim 21/18 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Robertson as applied to claim 18 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Robertson from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Robertson for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claim 21/19 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Samonides as applied to claim 19 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Samonides from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Samonides for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claims 22/13, 22/20, 23/13 and 23/20 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala as applied to claims 13 and 20 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Katwala from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko and Katwala for the reasons stated above.

Dependent claims 22/14, 22/15, 23/14 and 23/15 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to claims 14 and 15 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four

references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claims 22/16 and 23/16 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Caveney as applied to claim 4 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Caveney from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Caveney for the reasons stated above. Moreover, Applicant further contends that the combination of *5 references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claims 22/17 and 23/17 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Graham as applied to claim 17 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Graham from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Graham for the reasons stated above. Moreover, Applicant further contends that the combination of *5 references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claims 22/18 and 23/18 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Robertson as applied to claim 18 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Robertson from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Robertson for the reasons stated above. Moreover, Applicant further contends that the combination of *5 references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claims 22/19 and 23/19 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Samonides as applied to

claim 7 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Samonides from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Samonides for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claims 24/13 and 24/20 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala as applied to claims 13 and 20 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Katwala from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko and Katwala for the reasons stated above.

Dependent claims 24/14 and 24/15 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to claims 14 and 15 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap.

Dependent claim 24/16 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Caveney as applied to claim 16 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Caveney from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Caveney for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claim 24/17 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Graham as applied to claim 17 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Graham from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Graham for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Dependent claim 24/18 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Robertson as applied to claim 18 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Robertson from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Robertson for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

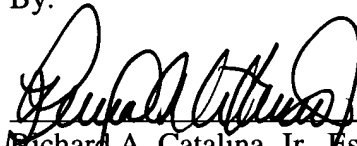
Dependent claim 24/19 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Samonides as applied to claim 19 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Samonides from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Samonides for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap.

Based on the foregoing, Applicant respectfully submits that claims 1-26 and 28-43 are in condition for allowance and allowance of these claims at an early date is solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 501472. The Examiner is invited to contact the undersigned at (732) 380-0080 to discuss any matter concerning this application.

Respectfully submitted,
David M. Beausoleil
By:

Date: June 23, 2004



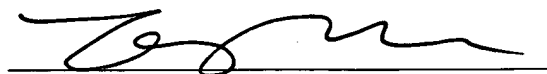
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TONY K. UHM

Dated: June 23, 2004